

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

THERESA MORELLI,

Plaintiff,

-against-

WAPPINGERS CENTRAL SCHOOL
DISTRICT,

Defendant.

-----X

**DEFENDANT'S
RULE 26(a)(1)
INITIAL
DISCLOSURES**

07-8711 (CB)

ECF Case

Pursuant to FRCP 26(a)(1)(A), Defendant Wappingers Central School District ("WCSD"), by its attorneys, Donoghue, Thomas, Auslander & Drohan, LLP, hereby provide the following initial disclosure:

**I. INDIVIDUALS LIKELY TO HAVE DISCOVERABLE INFORMATION THAT
MAY BE USED TO SUPPORT DEFENDANT'S DEFENSES.**

Disclosure

1. Robert Jutton
4 Taconic View Court
Lagrangeville, 12540
2. Joanne Sereda
WCSD
167 Myers Corners Road, Suite 200
Wappingers Falls, NY 12590
3. Charles Hill
WCSD
167 Myers Corners Road, Suite 200
Wappingers Falls, NY 12590
4. Philip Levitch

Wappingers Junior High School
30 Major MacDonald Way
Wappingers Falls, NY 12590

5. Theresa Stowell
Wappingers Junior High School
30 Major MacDonald Way
Wappingers Falls, NY 12590
6. Mary Nicoletti
WCSD
167 Myers Corners Road, Suite 200
Wappingers Falls, NY 12590
7. Cheryl Musante
WCSD
167 Myers Corners Road, Suite 200
Wappingers Falls, NY 12590
8. Patricia Rizzo
9 Jakes Way
Poughquag, NY 12570
9. Steven Shuchat
WCSD
Van Wyck Jr. High School
10 Hillside Lake Road
Wappingers Falls, NY 12590
10. Dr. Paula Busse
Division of Clinical Immunology
Mount Sinai School of Medicine
One Gustave L. Levy Place
New York, NY 10029
11. Rebecca Nagel
WCSD
Wappingers Junior High School
30 Major MacDonald Way
Wappingers Falls, NY 12590

12. Heather Bartos
1746 Hinds Road
Ford Edward, NY 12828-5452
13. Catherine Knieser
6271 N.E. Radford Drive – Apt. 2921
Seattle, WA 98115
14. Joe DiDonato
WCSD
167 Myers Corners Road, Suite 200
Wappingers Falls, NY 12590
15. Shelby Outwater
WCSD
167 Myers Corners Road, Suite 200
Wappingers Falls, NY 12590
16. Linda Ungaro
455 Benton Drive
Pea Ridge, AZ 72751
17. Marie Capogna
5 Phyllis Road
Wappingers Falls, NY 12590
18. Laurie DeChamplain
Wappingers Junior High School
30 Major MacDonald Way
Wappingers Falls, NY 12590
19. Robert Brainerd
Van Wyck Junior High School
10 Hillside Lake Road
Wappingers Falls, NY 12590
20. Robert Stacy
66 Carriage Drive
Avon, CT 06001

21. Avi Deener, M.D.
Mount Sinai Medical Center
1249 Park Avenue
New York, NY 10029
22. Avi Rubenstein, M.D.
Mount Sinai Medical Center
1249 Park Avenue
New York, NY 10029
23. Cheryl Malina, M.D.
Weller Hospital
1825 Eastchester Road
Bronx, NY 10641
24. Harleen Ahluwlia, M.D.
Albert Einstein College of Medicine of Yeshiva University
1525 Blondell Avenue
Bronx, NY 10641

All of the aforesaid individuals are likely to have discoverable information related to the events alleged in Plaintiff's complaint.

II. DOCUMENTS AND LOCATION

1. Defendant's Response to EEOC Charge No. 520-2007-00319, with attachments, dated March 15, 2007;
2. Letter from B. Pace to EEOC, dated 03/14/07;
3. J. Sereda memo, dated 03/02/07, with attachments, including EEOC transmittal of Notice of Charge, dated 01/16/07 and EEOC cover letter, dated 03/01/07;
4. Contents of Plaintiff's personnel file;
5. Submissions by Plaintiff to the Wappingers Congress of Teachers sick leave bank, and notes, responses, and attachments regarding the same, various dates;

6. Plaintiff observations and evaluations and related written comments, notations, summaries, attachments, and responses to same by Plaintiff, various dates;
7. Plaintiff assignment records and notes of discussions with Plaintiff regarding same, various dates;
8. Notice of New Employee (Full-Time Temporary), undated;
9. P. Busse letter, with notes, dated 06/14/06;
10. Notes regarding Plaintiff from 1994-1995, 2001-2002, 2002-2003, 2003-2004, 2004-2005, 2005-2006 and 2006-2007 school years, various dates;
11. Effective Teaching Program, NYSUT Education & Learning Trust, Spring 2003, w/fax cover sheet;
12. E-mails between R. Nagel and R. Jutton;
13. E-mails between H. Bartos and R. Jutton;
14. Memo from Cheryl (C. Musante) to Plaintiff, dated 10/7/2004;
15. Conference Request and Expense Form, dated 09/18/03;
16. Conference Request and Expense Form, dated 10/10/03;
17. Notice of OCMEA conference Day, 11/04/03;
18. E-mail(s) between C. Knieser and R. Jutton, dated 10/29/03;
19. E-mail(s) between R. Jutton and J. DiDonato, dated 01/05/04;
20. Request for extension of probationary period notes, undated;
21. E-mail(s) between M. Capogna and L. Ungaro;
22. E-mail(s) between J. Sereda and B. Jutton;
23. E-mails(s) between J. Sereda and S. Schuchat;

24. Notes, dated 5/25/04;
25. Memo from C. Kneiser to B. Jutton, dated 06/03/04, and attached notes, undated;
26. Notes regarding Plaintiff and "L. DiChamp," dated 6/10/04;
27. E-mail(s) between R. Stacy and B. Jutton;
28. E-mail(s) between R. Stacy and S. Schuchat;
29. E-mail(s) between R. Stacy and J. Sereda;
30. Recommendation to Appoint Plaintiff, dated 08/03/01;
31. Plaintiff attendance records;
32. Memo from C. Kneisser to Plaintiff with attachments and notes, dated 10/24/01;
33. Facsimile from Plaintiff to Robert Jutton, dated 06/26/02;
34. Elementary Choral Music Outcomes and Performance Indicators – Grade 6, revised 10/00;
35. Recommendation for Appointment of Plaintiff, dated 08/15/94;
36. Recommendation for Appointment of Plaintiff, dated 08/24/88;
37. Letter of resignation from Plaintiff to R. Jutton, dated 11/28/88;
38. Memo from R. Jutton to D. Hulse, dated 11/07/88;
39. Records regarding openings for music teachers and individuals hired, various dates;
40. E-mail(s) between R. Jutton and J. Farrell, B. King, K. Macleod, C. Musante, R. Naagel, O. Perlman, P. Rizzo, S. Shuchat, and J. Treloar, dated 10/16/06;
41. E-mail(s) between S. Outwater to R. Jutton;
42. E-mail(s) between S. Outwater and J. Sereda;
43. E-mail(s) between R. Jutton and Plaintiff;
44. E-mail(s) between S. Outwater and Plaintiff;

45. E-mail from R. Jutton to J. Farrell, C. Musante, and S. Shuchat, undated;
46. Notes, dated 1/12/07 and 02/15/07;
47. R. Brainerd's assignment history and requests for assignment;
48. Plaintiff cover letter, resume, and application for employment as elementary or secondary music teacher, dated 07/23/01;
49. Letter of resignation from Plaintiff to Dr. J. Marmillo, dated 12/02/88;
50. Notice of resignation of Plaintiff, dated 12/20/88;
51. Notice of New Employee for Plaintiff, dated 09/27/88;
52. Notice of New Employee for Plaintiff, dated 08/23/94;
53. Plaintiff's Teacher's Tenure Appointment Notice, dated 03/22/04;
54. Plaintiff request for no-pay day, dated 04/20/04;
55. Letter from R. Stacy to Plaintiff, with copy of Article 11 of the Wappingers Congress of Teachers collective bargaining agreement, and J. Sereda;
56. Memo re: Absence Due to Pregnancy and Childbirth, dated 03/04/04;
57. Memo from Plaintiff to R. Stacy, dated 02/26/04;
58. E-mail(s) between R. Gaetani and J. Sereda;
59. E-mail(s) between J. Sereda and M. Cramer;
60. Plaintiff letter to J. Sereda, dated 05/23/03;
61. Letter from J. Sereda to Plaintiff, dated 03/04/03;
62. Certification of Health Care Provider (FMLA), dated 02/05/03;
63. Notice of Leave Granted, dated 01/27/03, w/attached letter requesting leave, dated 12/19/02, and physician's letter dated 01/07/03;

64. Notice of Leave Granted, dated 11/18/02, with attached letters requesting leave, dated 10/23/02 and 11/05/02;
65. Facsimile from Plaintiff to J. Sereda, dated 09/29/02, w/physician's note, dated 09/27/07;
66. Memo from J. Sereda to "To Whom it May Concern," dated 09/26/02;
67. Letter from J. Sereda to Plaintiff, dated 09/30/02;
68. Letter from S. Outwater to T. Morelli, dated 10/19/06;
69. Physician's note, dated 07/15/02;
70. Notice of New Employee, dated 08/13/01;
71. District 2003-2004 Application for Sick Leave Bank Withdrawal, dated 06/30/04, with J. Sereda Memo dated 06/30/04;
72. District 2005-2006 Application for Sick Leave Bank Withdrawal, dated 12/14/06, with physician's letter dated 10/30/06;
73. District 2005-2006 Application for Sick Leave Bank Withdrawal, dated 02/23/07, with physician's letter dated 01/12/07, and emergency room discharge instructions, dated 01/06/07 and 12/29/06 and physician's letter, dated 12/20/06;
74. Plaintiff letter to J. Sereda, dated 01/12/07;
75. Plaintiff memo to J. Sereda, dated 12/06/06;
76. NYSUT facsimile to "Barbara," dated 10/16/06, with S. Outwater letter to Plaintiff, dated 12/01/06; and
77. Letter from J. Sereda to E. LeClair, dated 04/02/04 with T. Moser Letter to Plaintiff, dated 03/22/04 and Claim for Income Protection Benefits.

III. INSURANCE

After commencement of discovery, the applicable insurance agreement between the Wappingers Central School District and Utica Mutual Insurance Company (Graphic Arts Mutual Insurance Company) will be made available for copying and inspection, as required, at the offices of Donoghue, Thomas, Auslander, and Drohan, LLP, 2517 Route 52, Hopewell Junction, NY 12533.

Dated: February 1, 2008

Yours, etc.,

DONOGHUE, THOMAS, AUSLANDER & DROHAN, LLP

By: /s/ Vincent P. D'Andrea

Vincent P. D'Andrea (6614)

Attorneys for Defendant

2517 Route 52

Hopewell Junction, NY 12533

Tel. No. 845/227-3000

Fax No. 845/227-6873

TO: HELEN G. ULLRICH, ESQ.
Bergstein & Ullrich, LLP
Attorneys for Plaintiff
15 Railroad Avenue
Chester, NY 10918